

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 12**

CHARTER ELECTRICAL EXPERTS, LLC
d/b/a CHARTER ELECTRIC

and

Case 12-CA-258405

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL UNION 915, AFL-CIO

**CHARGING PARTY'S REPLY IN OPPOSITION TO
RESPONDENT'S RESPONSE TO NOTICE TO SHOW CAUSE**

Charging Party, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL UNION 915, AFL-CIO ("Union"), by and through undersigned counsel files this reply in opposition to Respondent's Response to the Notice to Show Cause and states the following:

1. On October 30, 2020, Union's counsel was served with the Counsel for the General Counsel's reply in opposition to Respondent's Response to the Notice to Show Cause. This was the first notice that the Union had that Respondent had even filed a response to the National Labor Relations Board's (the "Board") Notice to Show Cause. For that reason alone, Respondent's Response is technically deficient and the Counsel for the General Counsel's Motion for Default Judgment should be granted.

2. However, even if that were not the case, Section 102.20 of the Board's Rules and Regulations provides that the allegations in a complaint shall be deemed admitted if an answer is not filed within 14 days from service of the complaint, unless good cause is shown. 29 C.F.R. § 102.20; *H.W. Weidco/ren LLC d/b/a S. Jersey Extended Care & United Food & Commercial*

Workers Union Local 152, 367 NLRB No. 126 (May 10, 2019). The Respondent has not demonstrated good cause for its failure to file a timely – much less any – Answer to the Complaint.

3. While it is true that the Board, on some occasions, has shown leniency towards respondents who do not have counsel, the mere fact that a person or organization is “unrepresented by counsel does not establish a good cause explanation for failing to file a timely answer.” *Lockhart Concrete*, 336 NLRB 956, 957 (2001). Nor is the good cause standard met because a party did not have counsel and did not know how to file an Answer to the Complaint. *Newark Performing Arts Corp.*, 323 NLRB 1297 (1997). Furthermore, it is well-settled that “preoccup[ation] with other aspects of [the] business” does not constitute good cause for a party's failure to file a timely answer. *In Re Dong-A Daily N. Am., Inc.*, 332 NLRB 15 (2000) (footnote and citation omitted).

4. This is not a case where the Respondent filed an untimely Answer to the Complaint or filed a document that could even reasonably be construed as a general denial. See e.g. *3232 Cent. Ave, LLC d/b/a Cent. Mkt. of Indiana, Inc. & Local 881, United Food & Commercial Workers*, 366 NLRB No. 167 (Aug. 21, 2018).

5. Rather, the Respondent has fundamentally ignored the advice and instructions of the Counsel for the General Counsel (failure to file an Answer to the Complaint) and the Board (failure to serve all parties with its response). In fact, **Respondent has still not filed an Answer**, any denial to the allegations in the Complaint, or any request for an extension to file an Answer. (G.C. Exhibit. 1). *American Gem Sprinkler Co.*, 316 NLRB 102, 103 (1995) (statement that did not specifically deny any of the complaint's allegations did not constitute a proper answer under Sec. 102.20). See also *Day & Zimmerman Services, Div. of Day & Zimmerman, Inc.*, 325 NLRB

1046, 1047 (1998) (A failure to promptly request an extension of time to file an answer is a factor demonstrating lack of good cause).

WHEREFORE the Charging Party, International Brotherhood of Electrical Workers, Local 915, AFL-CIO respectfully requests that the National Labor Relations Board grant the Counsel for the General Counsel's Motion for Default Judgment.

Dated: November 2, 2020.

Respectfully submitted,

/s/ Nicholas Wolfmeyer

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CERTIFICATE OF SERVICE

I certify that a copy the foregoing document has been furnished via email to:

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